

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

PROCEDURE NUMBER: 3-2-106.3

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TITLE: THE STUDENT GRIEVANCE PROCEDURE FOR THE SOUTH CAROLINA TECHNICAL COLLEGE SYSTEM

POLICY REFERENCE NUMBER: 3-2-106

DIVISION OF RESPONSIBILITY: ACADEMIC AFFAIRS

DATE OF LAST REVISION: June 5, 2015

DATE APPROVED: August 13, 2015

I. PURPOSE

The purpose of the student grievance procedure is to provide a system to channel and resolve student complaints against a college employee concerning decisions made or actions taken. A decision or action can be grieved only if it involves a misapplication of a college's policies, procedures, or regulations, or a state or federal law. This procedure may not be used in the following instances: 1) to grieve a claim against a college employee for any matter unrelated to the employee's role or position at the college; 2) for complaints or appeals of grades awarded in a class or for an assignment, unless the complaint is based upon alleged discrimination on the basis of age, gender, race, disability or veteran's status or on the basis of alleged sexual harassment; or 3) to grieve a decision for which other grievance or appeal procedures exist (e.g., appeal of a disciplinary case, a residency appeal, a financial aid appeal, FERPA grievances, transfer credit evaluations, etc.).

The student filing the grievance must have been enrolled at the college at the time of decision or action being grieved and must be the victim of the alleged mistreatment. A grievance cannot be filed on behalf of another person.

II. DEFINITIONS

When used in this document, unless the content requires other meaning,

- A. "College" means any college in the South Carolina Technical College System.
- B. "President" means the chief executive officer of the college.
- C. "Administrative Officer" means anyone designated at the college as being on the administrative staff, such as the President, Chief Academic Officer, Chief Student Services Officer, etc.
- D. "Chief Student Services Officer" means the Administrative Officer at the College who has overall management responsibility for student services or his/her designee.
- E. "Chief Academic Officer" means the Administrative Officer at the College who has overall management responsibility for academic programs and services or his/her designee.
- F. "Grievable Act or Decision" means a misapplication of a college's policies, procedures, or regulations, or a violation of a state or federal law.
- G. "Days" means an instructional weekday, excluding Saturday and Sunday and all days in which the college is closed.
- H. "Student" means a person taking any course(s) offered by the college.
- I. "Instructor" means any person employed by the college to conduct classes.
- J. "Staff" means any person employed by the college for reasons other than conducting classes.
- K. "Campus" means any place where the college conducts or sponsors educational, public service, or research activities.

III. GRIEVANCE PROCESS

A. Filing a Complaint

This procedure must be initiated by the student within 30 instructional weekdays of becoming aware of the decision, action, or event giving rise to the grievance. This time limit may be extended by the President or his/her designee, if the student requests an extension within the 30 day period.

Before initiating the Student Grievance process, a student may go to the college employee who originated the alleged problem and attempt to resolve the matter informally. In instances alleging discrimination or harassment, including sexual harassment and violence, the student is not required to initially try to resolve the matter with the person alleged to have committed the violation under this policy. Where applicable, if the student is not satisfied with the outcome of this meeting or if the student prefers to ignore this step, then

the student may file a written complaint and initiate the grievance process. This written complaint should describe the decision or action that is being grieved, the date of the decision or action, and the college employee(s) involved in the decision or action.

1. Written complaints about alleged discrimination or harassment on the basis of age, gender, race, color, national origin, disability or veteran's status and written complaints about alleged sexual harassment or violence shall be submitted to the employee(s) designated in the college's Statement of Nondiscrimination to coordinate Section 504, Title II, and Title IX compliance.
2. Written complaints about decisions and actions not related to discrimination on the basis of age, gender, race, disability, veteran's status, or sexual harassment shall be submitted to the college's Chief Student Services Officer.
3. Any written complaint naming the college's President as the person whose alleged action or decision originated the problem shall be submitted to the President of the South Carolina Technical College System.

B. Pre-Hearing

The person receiving the student's written complaint will send a written acknowledgement to the student no later than two instructional weekdays after receiving the written complaint.

The person receiving the complaint will forward the complaint to the immediate supervisor of the employee named in the complaint no later than two instructional weekdays after it has been received. When the President is named in the complaint, the South Carolina Technical College System's Vice President of Academic Affairs will be responsible for the pre-hearing.

As a part of the effort to resolve the matter, the supervisor, or the South Carolina Technical College System's Vice President for Academic Affairs, will consult, as needed, with the employee named in the complaint, the student filing the complaint, and Chief Administrative Officer of the division or component concerned.

The supervisor, or the South Carolina Technical College System's Vice President for Academic Affairs, shall respond in writing to the student within ten instructional weekdays of receipt of the complaint. The response, sent by certified mail, shall include a summary of the findings and, as needed propose the steps that shall be taken to resolve the complaint. If the student does not agree with the proposed resolution, the student may request to have the complaint heard by the Student Grievance Committee.

When the College's President is named in the complaint, the President of the South Carolina Technical College System will convene a three person ad hoc committee consisting of System Presidents or a three person ad hoc committee from within the System to hear the student's complaint.

C. Student Grievance Hearing

1. Requesting a Hearing

- a) The student must submit a written request for a Grievance Hearing to the Chief Student Services Officer within five instructional weekdays after receiving the supervisor's written response and no later than fifteen instructional days after the supervisor sent the summary of findings. The request must include a copy of the student's original written complaint, a copy of the supervisor's response, and a statement describing why the supervisor's response was unsatisfactory.
- b) If the student does not submit the written request for a hearing within fifteen instructional weekdays, and the student can demonstrate that extenuating circumstances resulted in the failure to meet this deadline, the Chief Student Services Officer may allow the hearing to take place.
- c) Within two instructional days of receiving the request for a hearing, the Chief Student Services Officer shall notify the President or, as appropriate, the System President about the need to convene a Student Grievance Committee or an ad hoc committee of System Presidents. These committees shall be formed to hear specific complaints and a new committee may be formed each time a grievance covered by this procedure is filed.

2. Grievance Committees

- a) Student Grievance Committee--The President must approve all recommended members. The committee shall be composed of the following:
 - 1) Three students recommended by the governing body of the student body.
 - 2) Two faculty members recommended by the Chief Academic Officer.
 - 3) One Student Services staff member recommended by the Chief Student Services Officer.
 - 4) One administrator, other than the Chief Student Services Officer, to serve as the Committee's chairperson.
 - 5) The Chief Student Services Officer, or designee, who serves as an ex-officio, nonvoting member of the committee.
- b) Ad hoc Committee of Presidents—The President of the South Carolina Technical College System will select three System Presidents to serve on this committee and identify one of the three Presidents to serve as the chairperson for the hearing.
- c) The Chief Student Services Officer, or designee, will send copies of the student's request for a hearing to the committee members, the employee, and the employee's supervisor. The employee against whom the grievance was filed has an opportunity

to submit his/her response to the request for a hearing to the Committee prior to the hearing.

- d) The Student Grievance Committee's meeting(s) shall be conducted within twenty-one instructional weekdays following the date of the request. The chairperson may grant a postponement if either party submits a written request no later than five instructional weekdays prior to the scheduled meeting. The chairperson of the Student Grievance Committee, in his/her discretion, may postpone the hearing due to circumstances beyond the control of the parties. The re-scheduled hearing must take place within ten instructional weekdays of the date of the previously scheduled hearing.

3. Hearing Procedures

- a) The Chief Student Services Officer, or designee, shall send a certified letter to the student filing the complaint and to the employee(s) named in the complaint at least five instructional weekdays before the scheduled hearing. This letter shall include:

- 1) a brief description of the complaint, including the name of the person filing the complaint;
- 2) the date, time, and location of the meeting;
- 3) the name of any person who might be called as a witness.
- 4) a list of the student's procedural rights. These rights follow:
 - a) The right to review all available evidence, documents or exhibits that each party may present at the meeting. This review must take place under the supervision of the Chief Student Services Officer, or designee.
 - b) The right to appear before the Hearing Committee and to present information and additional evidence, subject to the Committee's judgment that the evidence is relevant to the hearing.
 - c) The right to consult with consul. This person serving as consul may not address the committee, question the employee(s) named in the complaint, or any witnesses. The student will be responsible for paying any fees charged by the advisor.
 - d) The right to present witnesses who have information relating to the complaint. Witnesses will be dismissed after presenting the information and responding to questions posed by the Grievance Committee, the student filing the complaint, and the employee(s) named in the complaint.

- b) At least ten (10) instructional weekdays before the scheduled hearing the parties must submit the names of persons that the parties anticipate calling as witnesses as well as any evidence that the parties intend to introduce at the hearing.

- c) Hearings are closed to the public. When testimony is being given, only the committee members, the student and his/her advisor, the employee and his/her advisor, and the witness giving testimony may be present. During deliberations, only the members of the Committee may be present.
- d) Hearings are informal and a tape recording of the testimony presented during the hearing may be made. The Committee's deliberations are not tape recorded. After resolution of the appeal, the tape recording will be kept for three months in the office of the Chief Student Services Officer, or designee. The student filing the complaint or the employee(s) named in the complaint may listen to this tape recording under the supervision of the Chief Student Services Officer, or designee.
- e) The Committee may question the student and the employee(s). The Committee may also question the employee's (employees') supervisor(s) and any additional witnesses that it considers necessary to render a fair decision. Questions must be relevant to the issues of the grievance.
- f) Both parties to the grievance may ask questions of the other during the hearing. These questions must be relevant to the issues stated in the written complaint. The Chairperson of the Committee will determine the appropriateness of the questions.
- g) The Committee bears the burden of determining whether the allegations are supported by the information available through the hearing. The Committee will use a preponderance of the evidence standard in making this determination.
- h) The Committee shall decide the solution of the grievance by a majority vote. In case of a tie, the chairperson may vote.
- i) The chairperson shall forward a copy of the Committee's decision to the student filing the complaint and to the employee(s) named in the complaint within two instructional weekdays of the Committee's decision. This letter will include a rationale for the Committee's decision and inform the student and employee(s) that they have a right to appeal the Committee's decision.

D. Appeal Process

If either party is not satisfied with the Student Grievance Committee's decision, that person may submit a written appeal to the President of the College within ten instructional weekdays of the Committee's decision. The written appeal must include a statement indicating why the person was not satisfied with the committee's decision. The President shall review the Committee's findings, conduct whatever additional inquiries are deemed necessary and render a decision within ten instructional weekdays of receipt of the appeal. The President's decision is final and this decision cannot be the sole reason for filing a grievance against the President.

If either party is not satisfied with the System Office's ad hoc Committee of System Presidents' decision, that person may submit a written appeal to the President of the South Carolina Technical College System within ten instructional weekdays of the Committee's decision. The written appeal must include a statement indicating why the person was not

satisfied with the Committee's decision. The System President shall review the Committee's findings, conduct whatever additional inquiries are deemed necessary and render a decision within ten instructional weekdays of receipt of the appeal. The System President's decision is final.